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Thomas D. Hoffman
Schering-Plough Corporation
Patent Department (K-6-1-1990)
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In Re: Patent Term Extension
Application for
U.S. Patent No. 4,634,697

DECISION DISMISSING APPLICATION

This is in response to the election of the application for patent term extension for the above-identified patent based upon the regulatory review period of CEDAX® (oral suspension). Since applicant has not elected to extend the above-identified application based upon the regulatory review period of CEDAX® (capsule), and since the above-identified patent has now been extended under 35 U.S.C. § 156, the application for patent term extension of the above-identified patent based upon the regulatory review period of CEDAX® (capsule) is dismissed.

Any correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box Patent Ext.
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

By hand: One Crystal Park, Suite 520
2011 Crystal Drive
Arlington, VA

Telephone inquiries related to this determination should be directed to the undersigned at (703) 306-3159.

Karin Tyson
Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

cc: Ronald L. Wilson, Director
Health Assessment Policy Staff
Office of Health Affairs (HFY-20)
Food and Drug Administration
5600 Fishers Lane, Room 15-22
Rockville, MD 20857

RE: CEDAX® (capsule)
FDA Docket No.: 96E-0102